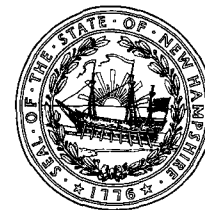




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

September 30, 2005

**LETTER OF DEFICIENCY #WSEB 05-159**  
Certified Mail # 7099 3400 0003 6156 0588

James Zegouros  
Getty Petroleum Marketing  
1500 Hempstead Turnpike  
East Meadow, NY 11554

Subject: Pelham - Public Water System: Pelham Getty (EPA #1858130)

Dear Mr. Zegouros:

The records of the Department of Environmental Services (DES) show that the Pelham Getty water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system serving 15 or more services, or 25 or more people for 60 or more days per year.

**BACTERIA MONITORING**

The water system owner is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Admin. Rule Env-Ws 325.

Env-Ws 325.07 requires the water system to submit a set of four repeat samples upon receipt of notification by DES that a routine bacteria sample has shown the presence of total coliform bacteria. DES records show that the subject water system failed to submit repeat bacteria samples following notification that the May 2005 routine sample contained coliform bacteria. As a result, a Monitoring/Reporting (M/R) violation was issued for **May 2005**.

Env-Ws 325.07 also requires a water system to submit a set of five routine samples the month following a positive routine sample. DES records show that the subject water system failed to submit five routine bacteria samples in June 2005, following the positive May sample, and failed to submit five routine samples in August, following the positive July samples. As a result M/R, violations were issued for **June 2005 and August 2005**.

In view of the Monitoring/Reporting violations, DES believes the deficiencies can be corrected by taking the following actions:

1. **By October 14 2005**, submit five routine "make-up" samples for bacteria analysis to the state laboratory, or a state-certified laboratory, in accordance with NH Admin. Rule Env-Ws 325.

**Please be reminded to carry out the public notice requirements and provide proof of public notice to DES for the August 2005 monitoring/reporting violation.** Please continue to submit water samples according to the water system's Master Sampling Schedule enclosed.

### **SANITARY SURVEY DEFICIENCY**

Pursuant to Env-Ws 306, PWSs are subject to periodic inspections or sanitary surveys by DES staff. The purpose of the sanitary survey is to determine the water system's compliance with RSA 485 and applicable rules relative to federal and state drinking water standards.

On April 14, 2005, personnel from DES conducted a sanitary survey of the subject water system. During the survey, the following "sanitary seal" deficiency was found:

#### **Sanitary Seal Env-Ws 306.01(1)h.**

The wires exiting the top of the bedrock well must be seal where they pass through the cap. Currently, there is an opening thereby creating a potential opening for insects, direct, and water.

Pursuant to Env-Ws 306.01(e), this deficiency is classified as a significant facility deficiency requiring correction within 90 days. DES acknowledges receipt of letter dated September 21, 2005, to Barbara Davis stating that "Tyree *will* replace the cap and wiring by September 23, 2005" (emphasis added). Subsequent conversations by system representatives with other DES staff have led DES to believe the sanitary seal issue has not been resolved.

DES believes the sanitary survey deficiency can be resolved by taking the following action(s):

#### **A. If the sanitary survey deficiency has already been corrected:**

1. **By October 14, 2005**, provide DES with documentation that the sanitary survey deficiency has been corrected.

#### **B. If the sanitary survey deficiency has not been corrected:**

1. **By October 28, 2005**, correct the deficiency described above; and
2. **By November 4, 2005**, provide DES with documentation that the sanitary survey deficiency has been corrected.

In the event compliance is not achieved within these time periods, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

**Letter of Deficiency #WSEB 05-159**

Pelham Getty

September 30, 2005

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The documentation as requested above should be forwarded to the following:

Anne S. Bailey  
Department of Environmental Services  
Water Supply Engineering Bureau  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Please contact Anne Bailey by phone at (603) 271-0672, or by e-mail at [abailey@des.state.nh.us](mailto:abailey@des.state.nh.us) if you have any questions regarding this letter.

Sincerely,

**COPY**

Sarah Pillsbury, P.G., Administrator  
Water Supply Engineering Bureau

Encl.: Master Sampling Schedule  
Bacteria MCL Public Notice Form  
Sanitary Survey Letter Dated April 22, 2005

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cc w/enclosure: Brian Emery, Tyree Organization Ltd, Sampling Agent/Primary Contact

cc: Gretchen R. Hamel, DES Legal Unit Administrator  
Town of Pelham Health Officer  
EPA Region 1  
File